

CHAPTER 7  
AREA AGENCY ON AGING SERVICE DELIVERY

[Prior to 5/20/87, see Aging, Commission on the [20] Ch 8]

**321—7.1(231) Delivery of service.**

**7.1(1) *Outreach for greatest need.*** Each AAA shall conduct outreach efforts, with special emphasis on the rural low-income, minority elders and American Indian elders to identify elders with greatest economic or social needs and inform them of the availability of services.

**7.1(2) *Funds for facilities housing services to elders.*** The AAA may award funds received from the department to a public or private nonprofit agency for the following purposes:

*a.* Acquiring, altering, leasing or renovating a facility, including a mobile facility, to be used to provide services to elders;

*b.* The costs of professional and technical personnel required for the operation of facilities to be used to provide services to elders;

*c.* Constructing a facility, including a mobile facility to be used to provide services to elders, subject to the following provisions:

(1) The AAA shall obtain the approval of the commission before making an award for the construction of a facility.

(2) The commission may approve the construction of a facility after considering the views of the AAA if it is documented that there are no other suitable facilities available to be a focal point for service delivery.

(3) The AAA may make an award for purchasing or constructing a facility only if there are no suitable facilities for leasing.

**7.1(3) *Compliance with health, safety and construction requirements.*** A recipient of any award from the department for a facility housing a program or service shall comply with all applicable state and local health, fire, safety, accessibility, building, zoning, and sanitation laws, ordinances or codes including:

*a.* Applicable building occupancy classification of the National Fire Protection Association “Life Safety Code” (NFPA No. 101, 1976 edition);

*b.* Regulations relating to minimum standards of construction, particularly with the requirements of the Architectural Barriers Act of 1968;

*c.* Technical adequacy of any proposed alteration or renovation that affects the load-bearing members of the facility and is structurally sound. In absence of local and state codes, the recipient of funds shall ensure compliance with chapter 23 of the Uniform Building Code (1979), as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90801;

*d.* Compliance with the requirements of the Davis-Bacon Act and other mandatory federal labor standards.

**7.1(4) *Length of use of an acquired or constructed facility.***

*a. Acquired facility.* A recipient of an award of funds from the department for the acquisition of a facility housing a program or services for elders shall ensure that the facility will be used for that purpose for at least ten years from the date of acquisition.

*b. Constructed facility.* A recipient of an award from the department for the construction of a facility housing a program or services for elders shall ensure the facility will be used for that purpose for at least 20 years after the completion of construction.

*c. Constructed or acquired facilities.*

(1) Sufficient funds will be available to meet the nonfederal share of the cost of construction of the facility;

(2) Sufficient funds will be available when construction is completed, for effective use of the facility for the purpose for which it is being acquired or constructed.

**7.1(5) *Shared facilities.*** In a facility that is shared with other age groups, funds received from the department may support only:

*a. That part of the facility used by older persons; or*

*b. A proportionate share of the costs based on the extent of the use of the facility by older persons.*

**7.1(6) *Licensure and safety requirements.***

*a. All services provided with funds from the department shall meet any existing state and local licensure and safety requirements for the provision of those services.*

*b. Area agencies shall ensure that any facility housing a program or services will fully comply with federal, state or local health, fire, safety, sanitation, accessibility, and licensure requirements.*

**7.1(7) *Membership fees.***

*a. In facilities that receive or have received funds from the department or under the Act, payment of a membership fee shall not be required of participants in senior center activities.*

*b. Each older person shall be provided with a free and voluntary opportunity to contribute to the cost of activities or services taking place in a facility that receives or has received funds from the department or under the Act.*

**7.1(8) *Prohibition on sectarian use of a facility.*** A facility altered, acquired, renovated, or constructed using funds from the department shall not be used and shall not be intended to be used for sectarian instruction or as a place for religious worship.

**321—7.2(231) Focal points.** The AAA shall develop and designate, where feasible, a focal point for comprehensive service delivery in each community, giving special consideration to designating multipurpose senior centers as community focal points on aging.

**7.2(1) *Procedures for designating community focal points.*** The AAA shall specify in the area profile the communities and facilities which are designated as focal points on aging. The AAA shall give special consideration to multipurpose senior centers and ensure that the facility currently or potentially can accommodate the collocation of services. In the designation of focal points on aging, the AAA shall consider:

*a. Communities with the greatest incidence of elders with the greatest economic or social need with particular attention to low-income minority individuals, the number of older Indians, and the efforts of voluntary organizations in the community;*

*b. The delivery pattern of services funded under this part and funded from other sources;*

*c. The location of multipurpose senior centers and congregate nutrition sites;*

*d. The geographic boundaries of communities and natural neighborhoods; and*

*e. The location of facilities suitable for designation.*

**7.2(2) *Developing collocation of services.*** The AAA shall:

*a. Establish guidelines for operating schedules at the focal point which are convenient for elders in the community;*

*b. Ensure that information and referral and emergency service programs are provided at the community focal point;*

- c. Encourage service providers to collocate their services at the focal point;
- d. Encourage coordination among service providers;
- e. Ensure that services funded under the Act will be either based at, linked to, or coordinated with the designated focal points; and
- f. Coordinate with elected officials, agencies and institutions in the community to achieve maximum collocation at, coordination with, or access to other services and opportunities for the elderly from the designated community focal point.

### **321—7.3(231) Nutrition services.**

**7.3(1) Purpose of the program.** The AAA may provide meals and other nutrition services, including outreach and nutrition education to older persons, or may contract for these services.

**7.3(2) Assessment of need.** The AAA shall determine the best location of nutrition services within the planning and service area at least once during the long-range plan development cycle.

**7.3(3) Use of funds.** The AAA shall ensure that funds are used to:

a. Provide meals in a congregate nutrition site and provide home-delivered meals based upon a determination of an individual's need.

b. Provide other nutrition services to ensure that the maximum number of eligible individuals, with emphasis on the frail, those with greatest social and economic need, and the isolated will have the opportunity to participate.

**7.3(4) Eligibility for congregate nutrition services.**

a. A person aged 60 or older and the spouse of the person, regardless of age, are eligible participants of congregate nutrition services.

b. Noneligible individuals may eat at a congregate nutrition site, paying the programmatic cost of the meal, if that meal does not deprive an eligible participant of a meal. Meals may be made available to individuals with disabilities who have not attained 60 years of age but who reside in housing facilities occupied primarily by the elderly at which congregate nutrition services are provided.

**7.3(5) Eligibility for home-delivered meals.** An elder who is homebound by reason of illness, incapacitating disability, or is otherwise isolated, is eligible to receive a home-delivered meal. The spouse of an elder, regardless of age or condition, may receive a home-delivered meal if, according to criteria determined by the AAA, receipt of the meal is in the best interest of the homebound elder.

**7.3(6) Licensed dietitian.** Each AAA must utilize the services of a licensed dietitian to provide technical assistance in nutrition program management.

**7.3(7) Nutrition performance standards.**

a. Rescinded IAB 3/27/96, effective 5/1/96.

b. Each meal served by the nutrition services provider must comply with the Dietary Guidelines for Americans, published by the Secretary of Health and Human Services, and the Secretary of Agriculture; and provide to each participating older individual:

(1) A minimum of 33 1/3 percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project provides one meal per day;

(2) A minimum of 66 2/3 percent of the allowances if the project provides two meals per day; and

(3) 100 percent of the allowances if the project provides three meals per day.

c. AAAs shall ensure that the areawide percentage of residents with the greatest economic and social need is proportionately represented in the characteristics of individuals served in the nutrition program as outlined in the preference in service delivery, rule 321—6.6(231).

**7.3(8) *Noncompliance.*** When a grantee's performance fails to meet the nutrition performance standards, the department shall follow procedures outlined in rule 321—4.15(231).

**7.3(9) *Requirements for AAAs related to nutrition services.***

*a.* The AAA may provide nutrition services directly or contract for these services. In either case, procedures issued by the department are followed in accordance with terms, conditions, and specifications for funding. At a minimum, the procedures addressing a contract for nutrition services should require the contract to include meal pattern, use of project income, length of contract, cost per unit, and performance requirements to ensure accountability and monitoring.

*b.* In providing nutrition services or in making awards for congregate nutrition services, the AAA shall:

(1) Select and designate as a congregate meal site any location where meals are served in a group setting with federal AOA nutrition funds or contributions from an AOA federal nutrition program, or both;

(2) Provide that a site for meals served in a congregate setting shall be in as close proximity to the majority of eligible individuals' residences as feasible, preferably within walking distance where possible and, where appropriate, transportation to such site be furnished.

(3) Provide for hot or other appropriate meals at least once a day, five or more days a week; where feasible and appropriate, coordinate with other community providers to make arrangements for the availability of meals to elders on holidays that occur on regularly scheduled serving days.

(4) Require hot or other appropriate meals to be provided in each congregate nutrition site at least once a day, three or more days a week. In a county where there is a site providing meals five or more days a week, other sites may be established which provide meals one or more days a week. Efforts shall be made and documented to the department annually to increase the number of serving days to a minimum of three days each week;

(5) Ensure that any facility housing an AOA program or service will fully comply with federal, state or local health, fire, sanitation, accessibility, and licensure requirements as outlined in subrule 7.1(3). All congregate nutrition sites must be inspected by the department of inspections and appeals and must have a current food service establishment (restaurant) license posted in the congregate nutrition site;

(6) Develop procedures to assist other community disaster preparedness services to provide meals to the general public affected by weather-related and emergency situations;

(7) Provide information and referral services, health and human service counseling, recreation activities, and access to nutrition services to participants when services are needed and not available;

(8) Where feasible and appropriate, make arrangements for the availability of food to elders in weather- and disaster-related emergencies;

(9) Provide activities of interest to elders on each day the congregate meal site is open including a monthly nutrition education program under the supervision of a licensed dietitian if the nutrition education provides medically oriented information;

(10) Forbid food service personnel, both paid and volunteer, to work in food service if infected with communicable disease;

(11) Ensure that food service personnel, both paid and volunteer, will practice hygienic food handling techniques including the wearing of hair nets or other effective hair restraints;

(12) Ensure that food service personnel, both paid and volunteer, will be provided with job descriptions and standards of performance which will be evaluated annually; and

(13) Provide for ongoing training on safety, hygienic food handling and sanitation for both volunteer and paid food service personnel.

(14) Develop procedures for the use of foods remaining after serving at congregate meal sites.

**7.3(10) Meal provider assessment.** The AAA or contractor shall assess the individual need for home-delivered meals among participants.

**7.3(11) Home-delivered meal requirements.** The AAA or contractor shall:

- a. Provide for home-delivered meals at least once a day, five or more days a week;
- b. Where feasible and appropriate, make arrangements for the availability of meals to elders in weather- and disaster-related emergencies;
- c. Provide other nutrition and supportive services either directly or through referral to meet the need of the homebound elder;
- d. Provide nutrition education for recipients that includes emphatic instruction in the storage and preparation of the home-delivered meal;
- e. Assess, every six months, the individual need for home-delivered meals among participants provided with home-delivered meals;
- f. Provide for home-delivered meals to participants according to the frequency of need determined by procedures required in subrule 7.3(11), paragraph "h." Meals may be hot, cold, frozen, dried, canned or supplemental foods with a satisfactory storage life. The provider is not required to provide meals more than five days per week, but is encouraged to do so.
- g. With the consent of the elders or their representative, bring to the attention of appropriate officials for follow-up, conditions or circumstances which place the elders or the household in imminent danger. The AAA should make provision for other agencies to provide services to the homebound elder to reduce isolation and dependency; and
- h. The AAA or the home-delivered meals contractor, subject to AAA approval, shall establish procedures for the determination of an elder's eligibility for home-delivered nutrition services, including specific criteria for:

- (1) Initial and subsequent six-month assessments of the elder's eligibility for home-delivered meals;
- (2) Determination of the number of days per week the elder has a need for home-delivered meals;
- (3) Determination of the elder's need for other home-delivered nutrition services.

**7.3(12) Food-borne illness.** The AAA shall develop written procedures for handling suspected cases of food-borne illnesses. The contractor shall report the occurrence or suspected occurrence of a food-borne illness to the AAA within 12 hours. The AAA shall notify the department within 12 hours after becoming aware of this situation.

**7.3(13) Evaluation of sites.** The AAA shall conduct, record and keep on file systematic on-site evaluations on an annual basis.

a. This evaluation shall include, at a minimum, the following topics:

- (1) Food safety.
  - (2) Required one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences.
  - (3) Food quality and acceptability (appearance, taste, temperature and smell).
  - (4) Additions to a meal, such as sociability and activities.
- b. The AAA will provide a tool to guide food service personnel at each meal site in a self-assessment to be done at midpoint between AAA on-site evaluations. These two evaluations will be done to document program compliance and analyze areas for ongoing monitoring.

c. Written assessment reports shall be kept on file for three years, and shall include:

(1) AAA on-site evaluation.

1. What is observed.

2. Areas of deficiency.

3. Plan for corrective action.

(2) Food service personnel self-assessments.

**7.3(14) Requirements for opening or closing congregate nutrition sites.** The department must be notified in writing 30 days before the AAA may open, relocate, or terminate a nutrition site. The notification must include:

a. Reasons for the action;

b. Impact on eligible individuals;

c. Impact on nearby meal sites; and

d. Impact on provision of nutrition-related services.

**7.3(15) Food standards.** The AAA or contractor shall, when purchasing food and preparing and delivering meals, comply with all state and local health laws and ordinances concerning preparation, handling and serving food.

a. Each AAA shall establish and implement written procedures, in consultation with a registered and licensed dietitian, on handling foods prepared for a meal but not served. The procedures shall address which foods may be saved, which foods need to be destroyed, and instructions on cooling and storing foods for reuse.

b. All raw fruits and vegetables and other foods utilized shall be free from spoilage, filth or contamination and must be safe for human consumption.

c. Foods prepared, canned or preserved in the home shall not be used. The use of hermetically sealed noncommercially prepared foods is prohibited because of the history of such food causing food-borne illness.

d. Standardized tested quantity recipes, adjusted to yield the number of servings needed, shall be used to achieve the consistent and desirable quality and quantity of meals.

**7.3(16) Menus.**

a. All menus shall be planned for a minimum of four weeks, certified in writing by the licensed dietitian whose services are utilized by the AAA and submitted to the department for review at least two weeks prior to the initial use of the menu. For purposes of audit, AAAs shall keep copies of the certified menus on file for a period of one year.

b. All certified menus shall be posted in a conspicuous location in each congregate meal site and regularly provided to home-delivered meal recipients. The certified menus may be modified occasionally if the provisions of subrule 7.3(15) are maintained and a licensed dietitian or nutrition director is consulted prior to the change.

**7.3(17) Special diet menus.** The AAA shall ensure that special menus are provided, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements, or the ethnic backgrounds of eligible individuals.

a. The following criteria shall be used to determine feasibility and appropriateness:

(1) Sufficient numbers of elders exist who need the special menus to make the provision practical;

(2) Skills and food necessary to provide the special menus are available.

b. Special diet menus must be planned under the supervision of a licensed dietitian in accordance with a current diet manual approved by the executive director and supplied to each AAA by the department. Certified menus must be submitted to the department at least two weeks prior to the initial use of the menus.

c. A written physician's order for each elder requesting a special diet shall be obtained prior to receipt of the meal, and kept on file where the meal is prepared and served. The order shall be interpreted by a licensed dietitian and the individual's physician.

d. Appropriate food containers and utensils for participants with disabilities shall be available for use, upon request.

**7.3(18) *USDA food assistance programs.***

a. The AAA shall have an agreement with the department to receive USDA commodities, cash or a combination of commodities and cash.

b. The department shall allocate all food, cash or the combination of food and cash received from USDA to AAAs based on each AAA's proportion of the total number of meals served to eligible recipients in the state.

c. The AAA shall comply with the requirements of 7 CFR, Part 250, June 3, 1988, for participation in the USDA program.

d. The AAA shall maintain perpetual inventories of all USDA foods at each site and storage area and must submit an areawide inventory at least quarterly to the department within 30 days after the reporting period.

e. Nutrition service providers shall accept and use appropriate USDA foods made available by the AAA and shall ensure appropriate and cost-effective arrangements for the transportation, storage, inventory, and use of the food.

f. USDA commodities shall be consumed as food only and shall not be sold, exchanged, traded, transferred, destroyed, or otherwise disposed of for any reason without prior approval from the department.

g. The AAA shall report the loss, theft, damage, spoilage, or infestation of USDA commodities to the department within five working days to initiate claim action.

h. An AAA which receives cash in lieu of commodities shall spend all cash received from the USDA to purchase United States agricultural food items.

**7.3(19) *Food stamp program.*** The AAA and nutrition service providers shall assist participants in taking advantage of benefits available to them under the food stamp program by providing current information to participants in both the congregate and home-delivered meals programs. Activities shall be coordinated with agencies responsible for administering the food stamp program and by being certified to accept and accepting food stamps as contributions for meals.

**7.3(20) *Noncompliance.*** When a grantee's performance falls below these standards, the department shall follow the procedure identified in rule 321—4.15(231).

**321—7.4(231) Information and assistance services.**

**7.4(1) *General rule.*** The multiyear area plan shall provide for information and assistance services sufficient to ensure that all elders within the planning and service area have convenient access to the service.

**7.4(2) *English not principal language.*** In planning and service areas in which 3 percent of the elder population does not speak English as their principal language, the service provider must provide information and assistance services in the language spoken by elders.

**7.4(3) *Provider requirements.*** A provider of information and assistance services must adopt as guidelines the information and assistance standards issued by the department.

**321—7.5(231) Legal assistance.**

**7.5(1) Provisions and restrictions.** The provisions and restrictions in this subrule apply only to legal assistance providers and only when they are providing legal assistance under Section 307(a)(15) of the Act as amended.

**7.5(2) Provider requirements.** The AAA shall award funds to the legal assistance provider(s) that most fully meets the standards in this subrule. The legal assistance provider(s) shall:

*a.* Have staff with expertise in specific areas of law affecting elders in economic or social need, for example, public benefits, institutionalization and alternatives to institutionalization;

*b.* Demonstrate the capacity to provide effective administrative and judicial representation in the areas of law affecting elders with economic or social need;

*c.* Demonstrate the capacity to provide support to other advocacy efforts, for example, the long-term care resident's advocate/ombudsman program;

*d.* Demonstrate the capacity to deliver legal services to institutionalized, isolated, and home-bound elders effectively;

*e.* Demonstrate the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language; and

*f.* Coordinate the provision of legal assistance with private bar attorneys and legal services corporation.

**7.5(3) Client income disclosure.** A legal assistance provider may not require an elder to disclose information about income or resources as a condition for providing legal assistance under this part.

**7.5(4) Client information.** A legal assistance provider may ask about the elder's financial circumstances as a part of the process of providing legal advice, counseling and representation, or for the purpose of identifying additional resources and benefits for which an elder may be eligible.

**7.5(5) Assistance allowed.** Nothing in this section is intended to prohibit an attorney or staff attorney from providing any form of legal assistance to an eligible client, or to interfere with the fulfillment of any attorney's professional responsibilities to a client.

**7.5(6) Provider compliance with OAA regulations.** The legal assistance provider and its attorney(s) and employee(s) shall comply with the following Code of Federal Regulation subparts as published April 1, 1985: 45 CFR Section 1321.73(f), pertaining to the outside practice of law; Section 1321.73(g), pertaining to political activities; Section 1321.73(h), pertaining to fee-generating cases; Section 1321.73(i), pertaining to prohibited activities; Section 1321.73(j), pertaining to administrative and legislative activity; Section 1321.73(k), pertaining to documentation of administrative and legislative activities; Section 1321.73(l), pertaining to Older Americans Act fund use; Section 1321.73(m), pertaining to publicity or propaganda related to legislation; Section 1321.73(n), pertaining to article, newsletter, and other publication preparation; Section 1321.73(o), pertaining to attempts to influence federal, state, or local agency decision making; and Section 1321.73(p), pertaining to activities not prohibited.

**321—7.6(231) Title III-D of the Act.**

**7.6(1)** Title III-D in-home services for frail older individuals. The AAA shall provide in-home services with AOA Title III-D funds to frail individuals aged 75 or older who have a physical or mental disability, Alzheimer's disease or a related disorder with neurological, or organic brain dysfunction which restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

*a.* Frail individuals aged 75 or older who have the greatest economic need (at or below the poverty level identified in 321—1.7(231)) will be served at least equal to twice their proportion of the population in the planning and service area.



b. The in-home service offered to frail older individuals consisting of a minor modification of a home which is necessary to facilitate the ability of older individuals to remain at home shall have a limit of \$150 per client and must be unavailable under other programs.

c. The need for in-home services shall be determined by the AAA by identification of gaps in eligible services funded by all sources. The one or two services with the greatest unmet need shall be targeted.

**7.6(2)** The AAA shall coordinate with other community services and voluntary organizations to provide counseling and training for family caregivers and support service personnel in management of care, functional and needs assessment services, assistance with locating, arranging for, and coordinating services, case management, and counseling prior to admission to a nursing home to prevent premature institutionalization.

### **321—7.7(231) Title III-G of the Act.**

**7.7(1)** *Prevention of abuse of older persons.* Title III-G provides funding for activities directed toward the prevention of abuse, neglect and exploitation of older persons in conjunction with the ombudsman program and requires matching funds from AAAs of 15 percent. Funding for prevention activities is not limited to Title III-G funds.

**7.7(2)** *Prevention activities.* Program activities are to be public education and the dissemination of information, supplementing prior activities.

**7.7(3)** *Coordination with local groups.* AAAs shall implement the program in coordination with local groups, individuals and agencies, such as the department of human services' multidisciplinary committee.

**7.7(4)** *Administration.* The submission of reports and monitoring of Title III-G funds will be in accordance with the reporting manual issued annually by the department and the requirements of these rules.

a. Allocation of Title III-G funds will be made annually by the department as funds are available.

b. Assessment of the program will be made periodically in accordance with procedures issued by the department.

These rules are intended to implement Iowa Code chapter 231.

[Filed 5/20/82, Notice 3/17/82—published 6/9/82, effective 7/14/82]

[Filed 12/3/82, Notice 7/21/82—published 12/22/82, effective 1/26/83]

[Filed emergency 2/25/83—published 3/16/83, effective 2/25/83]

[Filed 10/19/84, Notice 8/15/84—published 11/7/84, effective 12/12/84]\*

[Filed 7/10/86, Notice 5/7/86—published 7/30/86, effective 9/3/86]†

[Filed 5/1/87, Notice 2/25/87—published 5/20/87, effective 6/24/87]\*\*

[Filed emergency 7/21/88—published 8/10/88, effective 7/22/88]

[Filed 4/26/90, Notice 2/21/90—published 5/16/90, effective 6/30/90]

[Filed without Notice 1/13/92—published 2/5/92, effective 3/11/92]

[Filed 6/26/92, Notice 4/1/92—published 7/22/92, effective 8/26/92]

[Filed 11/5/93, Notice 9/15/93—published 11/24/93, effective 12/29/93]

[Filed 11/3/95, Notice 8/16/95—published 11/22/95, effective 12/27/95]

[Filed 3/7/96, Notice 1/31/96—published 3/27/96, effective 5/1/96]

[Filed 10/15/97, Notice 9/10/97—published 11/5/97, effective 12/10/97]

\*Effective date of 20—8.42(2) delayed 70 days by the Administrative Rules Review Committee.

†Two ARCs

\*\*Effective date of Chapter 7 delayed 70 days by the Administrative Rules Review Committee.